

Bepanning en Ontwikkeling
Planning and Development

Reference / Verwysing: Kleinkrantz 192/248
Date / Datum: 1 December 2020
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**REZONING AND CONSENT USE : FARM KLEINKRANTZ 192/248,
DIVISION GEORGE**

Your application in the above refers.

The Eden Joint Municipal Planning Tribunal – George Municipality, meeting held on 17 November 2020 resolved:

- (1.) That the applicant and objectors be informed that the application for Consent Use in terms of Section 15(2)(o) of the Land Use Planning Bylaw for George Municipality, 2015 to increase the size of the existing approved second dwelling unit on Portion 248 of the Farm Klein Kranz 192, Division George from 60m² to 68m² **CANNOT BE APPROVED** as it is not a land use that can be considered under Open Space Zone III.
- (2.) That, notwithstanding the objections received, the following applications applicable to Portion 248 of the Farm Klein Kranz 192, Division George:
 - a) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2015 of Portion 248 of the Farm Klein Krantz 192, Division George from Agricultural Zone II to Open Space Zone III (Nature Conservation Area);
 - b) Consent Use in terms of Section 15(2)(o) of the Land Use Planning By-Law for the George Municipality, 2015 to provide Tourist Accommodation in the form of 5x vardos with a braai lapa and eco swimming pool on Portion 248 of the Farm Klein Krantz 192; Division George;

BE APPROVED in terms of Section 60 of said Planning By-Law for the following reasons:

1. The existing development (dwelling house) on the property complies with the land use description and development parameters of "Nature Conservation Area".

2. The change in zoning has no impact on the environment, character of the surrounding area or surrounding neighbours' rights and amenities and in fact deprives the property of its development potential to the benefit of the natural environment and desired nature conservation outcomes.
3. The proposed development of tourist accommodation facilities in a sensitive and environmentally responsible manner on the property is consistent with the principles, objectives and guidelines as set out in the George MSDF, the Rural Guidelines and the WHL-LSDF.
4. The scale and impact of the proposed development in terms of the number of rooms being provided and number of guests being accommodated, traffic generation and noise, etc is like that of a Guest House – a land use that is generally accepted by- and is in fact, commonplace in- the surrounding area.
5. Although the municipality does not provide water and sewerage services to the property, the applicant has demonstrated that they can provide sufficient water for the development through rainwater harvesting and private augmentation services, will be able to dispose of the wastewater generated, and the required electricity upgrades are possible.
6. The further development of the property is subject to the approval of an OSCAE permit which will enforce compliance with all environmental requirements. Notwithstanding, standard environmental conditions have also been included in the conditions of approval below.
7. The proposed development, considering the type and scale thereof, and its position on the property surrounded by dense vegetation, is unlikely to have a detrimental impact on natural environment, visual environment, rural character of the area, or the surrounding neighbours' rights and amenities in terms of views, noise or privacy.
8. Required mitigation measures have also been imposed in the conditions of approval below.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

1. That in terms of Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) as read with Sections 17(5) and 19(5) of the Land-Use Planning By-Laws for George Municipality this approval shall lapse if not implemented within a period of five years from the date of approval.
2. Notwithstanding the main dwelling and second dwelling, not more than five (5) freestanding self-catering units in the form of vardos will be allowed under Tourist Accommodation. A caravan park, camping site or resort shop is prohibited.
3. The vardos may not contain a kitchen but may contain a small food preparation area.
4. The food preparation area may not contain a stove, hob or oven but may contain a small sink, microwave oven, toaster, kettle and fridge;
5. The food preparation area in each room may not exceed a total floor space of 3m² including all work surfaces and cupboards;
6. A 10m building line shall apply on all property boundaries.
7. The height of the tourist accommodation units and braai lapa may not exceed 4.5m as measured from natural ground level to the top of the roof.
8. Not more than 10 paying guests or lodgers may be supplied with lodging within the tourist accommodation units at a time on the property.
9. The braai lapa and swimming pool area may only be used by the residents in the dwelling houses and/or the respective lodgers in the tourism accommodation units (no additional day visitors allowed).
10. The applicant must make use of natural materials and dark paint tones that blend in with the surrounding environment in the design of all exterior elevations, walls

- and retaining structures. All roofs shall be dark tones, preferably dark greens, greys or black that blends with the surrounding environment.
11. The pruning or removal of protected indigenous trees or tree clumps must first carry the approval/granting of a permit by the Department of Environmental, Forestry and Fisheries (DEFF) (Knysna Office).
 12. That on-going clearing of alien invasive vegetation take place in terms of the Conservation of Agricultural of Agricultural Resources Act 43 of 1983 (CARA).
 13. The owners must join the South Cape Fire Protection Association Management Unit for the area with an approved fire management plan compiled in conjunction with the Fire Protection Association.
 14. The approved fire plan needs to be submitted with the SDP;
 15. The applicant must clarify the most appropriate method of sewerage disposal for the property with the Department: Civil Engineering Services prior to submission of the SDP.
 16. No liquor license may be considered, and the alcoholic beverages is prohibited on the property.
 17. The applicant must make all attempts to prevent light pollution on the property. The use of spray or spotlights are not permitted. Any outside lights may not exceed a maximum height of 1.2m from natural ground level.
 18. The outside lighting must use energy saving bulbs and should be directed downwards to minimize light pollution.
 19. Any parking to along the boundary of the property, which is visible from the street should be screened off to the satisfaction of the Municipality.
 20. A Site Development Plan (SDP) in accordance with Section 23 of the George Integrated Zoning Scheme Bylaw, 2017 must be submitted to the satisfaction of the Directorate for consideration and approval prior to the submission of building plans.
 21. The SDP need to address and take into consideration any applicable conditions as set out in the OSCAE permit and thus, the OSCAE permit must be issued prior to the approval of the SDP.
 22. The owner must appoint an Environmental Control Officer (ECO) to manage the construction and post construction activities, clearing and rehabilitation on the property. The ECO must confirm in writing, that the proposed development conforms with all environmental requirements and conditions of approval in terms of the OSCAE on submission of the SDP.
 23. Building plans be submitted for approval in accordance with the National Building Regulations (NBR) after the approval of the SDP;
 24. The rezoning will be considered implemented on approval of the SDP and the Consent Use will only be regarded as implemented on the commencement of building works in accordance with the approved building plans.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

25. Capital contributions are payable by the developer for each new equivalent erf (ee) created, as per standard tariffs for George, applicable on transfer of a portion, or the approval of building plans, or on application for a CPT, or as stipulated in a Services Agreement between the George Municipality and the Developer. The total amount payable will be determined by the Dept: CES and will be subject to annual adjustment. Contributions payable may be adjusted should the actual water usage exceed the accepted normal daily usage based on the Guidelines for Human Settlement Planning and Design, based on a six-month average use.
26. All civil services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with The Guidelines for Human Settlement and Design and Council specifications. All drawings and plans are to be submitted to the Dept: CES, or any other relevant authority, (hard copy and electronically) for approval prior to any construction

- work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the civil services have been satisfactorily installed and as-builts submitted electronically as well as the surveyors plan.
27. Approval with regards to tourist accommodation are subject to the submission and approval of building plans, which shall include a detailed site development plan, indicating proposed land use change of the erven. The Site development plan should, but not limited to, address all internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic.
 28. Should more than two developments/properties be party to or share any service, the Dept: CES will in conjunction with the parties determine the pro-rata contributions payable.
 29. Any, and all, costs directly related to the development remain the developers' responsibility.
 30. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer/owner of the other erf. (Condition 26 applicable)
 31. Any service from another relevant erf must be accommodated across the development or incorporated into the services of the development. All negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 26 applicable)
 32. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 26 applicable).
 33. Provisions for the removal of solid waste is to be addressed in conjunction with the Dept: Environmental Services.
 34. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval was required and obtained for this proposed development.
 35. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dept: CES, or any condition of any authority has not been satisfactorily complied with.
 36. Developer responsible to obtain the necessary approval / way leaves from third parties which include, but not limited to the following: Telkom & Fibre optical cable.
 37. No municipal water services are available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A capital contribution for water will then become payable as per standard tariff for each equivalent erf applicable at the time of connection.
 38. No municipal sewer services are available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A capital contribution for sewer will then become payable as per standard tariff for each equivalent erf applicable at the time of connection.
 39. A conservancy tank, or alternative approved sewer disposal method, must be installed at the owner's cost. The owner is to appoint a private contractor, at own expense, to service the tank or alternative approved disposal methods.
 40. The discharge of surface stormwater is to be addressed by the developer. Condition (26) applies. All costs related is for the developer.

41. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
42. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
43. No private parking will be allowed in the road reserve.
44. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

45. Capital contributions are payable by the developer for each new equivalent erf (ee) created, as per standard tariffs for George, applicable on transfer of a portion, or the approval of building plans, or on application for a CPT, or as stipulated in a Services Agreement between the George Municipality and the Developer. The total amount payable will be determined by the Dept: Electro Technical Services (ETS) and will be subject to annual adjustment. Contributions payable may be adjusted should the actual electricity connection be other than a conventional 60 Amp single phase per erf.
46. All electrical services -internal, link and relocation of or upgrades to the existing network - are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the Dept: ETS, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the electrical department with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the electrical services have been satisfactorily installed and as-builts submitted electronically.
47. Any, and all, costs directly related to the development remain the developers' responsibility.
48. Only one electrical connection permitted per registered erf.

You have the right to appeal to the Appeal Authority against the decision/conditions of approval of the Eden Joint Municipal Planning Tribunal – George Municipality, in terms of Section 79(2) of the George Municipality's By-law on Municipal Land Use Planning.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Municipal Manager, P O Box 19, George, 6530 or Directorate: Planning, 5th floor, Civic Centre, York Street, George **on or before 22 December 2020** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard.

The notice must be served in accordance with section 115 of the Municipal Systems Act and in accordance with the additional requirements as may be determined by the Municipality. The notice must allow persons 21 days from date of notification of the appeal to comment on the appeal. Proof of the notification must be submitted to the Municipality, within 14 days of the date of notification.

An appeal that is not lodged within the timeframe or that does not comply with Section 80 of the George Municipality's By-law on Municipal Land Use Planning will be deemed invalid.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Please also note that in terms of Section 80(14) of the George Municipality's By-law on Municipal Land Use Planning, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



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ACTING DIRECTOR: PLANNING AND DEVELOPMENT

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